

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

GEORGE ANIBOWEI,

Plaintiff,

v.

JEFFERSON B. SESSIONS, *et al.*,

Defendants.

Civil Action No. 3:16-CV-3495-D

JOINT MOTION TO STAY DEADLINES

As explained herein, the parties jointly move to stay the current discovery and summary-judgment deadlines. As background, this case presents certain legal issues concerning the scope of the government’s authority to search electronic devices carried by U.S. citizen travelers re-entering the country at the border. Per the live pleading (an amended complaint), Plaintiff is a U.S. citizen who had his cell phone searched and contents copied at the border and who has also been subjected to “secondary inspection” by border officials on a number of occasions when returning to the country. Plaintiff seeks declaratory and injunctive relief regarding the government’s search authority with respect to cell phones at the border. Defendants, who are various federal agency heads or officials sued in their official capacity, have filed a motion to dismiss the amended complaint, which motion among other things asserted that jurisdiction is lacking and that Plaintiff fails to state any claim upon which relief can be granted.

The parties stated in their scheduling order proposal (Doc. 12) that they believed it

would make sense to obtain a ruling on the motion to dismiss before engaging in additional litigation, discovery, and/or motion practice. The Magistrate Judge has now issued a recommendation concerning the motion to dismiss, (which recommendation would allow the case to go forward, at least in part; (*see* Doc. 19)), and the matter is now before the Court on an objection filed by defendants (*see* Doc. 20 (defendant's objection); Doc. 21 (plaintiff's response); Doc. 22 (defendant's reply)).

Given this procedural posture of the case, the parties request that the current March 23, 2018 deadlines for the close of discovery and summary-judgment motions be stayed. After the Court rules on the motion to dismiss, the parties will then take appropriate action to request that any necessary deadlines (such as for discovery or summary-judgment motions) be re-set.

Respectfully submitted,

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Attorneys for Defendants

Certificate of Service

On March 22, 2018, I electronically submitted the foregoing document with the clerk of court for the U.S. District Court, Northern District of Texas, using the electronic case filing system of the court. I hereby certify that I have served all parties electronically or by another manner authorized by Federal Rule of Civil Procedure 5(b)(2).

/s/ Brian W. Stoltz
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Assistant United States Attorney